

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Shane Michael Hettish
Brittany Laurel Hettish
aka Brittany L Pearson**
Debtor(s)

Bankruptcy Case No.: 19-11247-TPA
Per Proceeding Held July 7, 2020
Chapter: 13
Docket No.: 35 – 15, 29
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 15, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,545.00 as of July, 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Northpointe Bank (Claim No. 4) .
- ☒ H. Additional Terms: Secured claim of Wells Fargo (Claim No. 9) not to be paid due to surrender of collateral in Part 3.5 of Plan.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

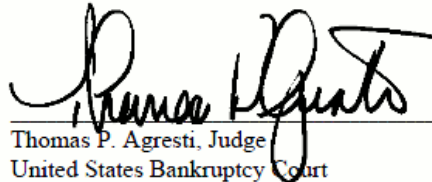
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: July 9, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Shane Michael Hettish
 Brittany Laurel Hettish
 Debtors

Case No. 19-11247-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

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 Total Noticed: 41

Date Rcvd: Jul 09, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 11, 2020.

db/jdb +Shane Michael Hettish, Brittany Laurel Hettish, 2663 East 32nd Street,
 Erie, PA 16510-2705
 15174083 +Aes / Pnc Bank, PO Box 61047, Harrisburg, PA 17106-1047
 15174085 +Americo Federal Credit Union, 4108 Main Street, Erie, PA 16511-1968
 15174086 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank Of America, Po Box 982238, El Paso, TX 79998)
 15197392 +Bank of America, N.A., P O Box 982284, El Paso, TX 79998-2284
 15174087 +Capital One / Cabelas, 4800 Nw 1st Street, Lincoln, NE 68521-4463
 15174088 +Charleston Area Medical Center, 501 Morris Street, Charleston, WV 25301-1326
 15174089 +Collection Service Center, PO Box 560, New Kensington, PA 15068-0560
 15174096 +Friendly Federal Credit Union, 2000 Main Street, Aliquippa, PA 15001-2794
 15174097 +Healthcare Financial Services, 1204 Kanawha Boulevard East, Charleston, WV 25301-2907
 15174098 +Hertel & Brown Physical Therapy, 902 West Erie Plaza Drive, Erie, PA 16505-4536
 15174101 +Nissan - Infiniti LT, PO Box 660366, Dallas, TX 75266-0366
 15198345 +Nissan Infiniti LT, PO Box 9013, Addison, Texas 75001-9013
 15196709 +Northpointe Bank, c/o McCabe, Weisberg & Conway, LLC, Suite 1400, 123 South Broad Street,
 Philadelphia, PA 19109-1060
 15200952 +PNC Bank, N.A., PO Box 94982, Cleveland, OH 44101-4982
 15202512 +PNC Bank, N.A., Boston Portfolio Advisors as Authorized, Agent for PNC Bank, N.A.,
 600 Corporate Drive, Suite 502, Fort Lauderdale, FL 33334-3662
 15174103 +Pnc Bank, N.a., Po Box 3180, Pittsburgh, PA 15230-3180
 15174106 +Td Bank Usa / Target Credit, Po Box 673, Minneapolis, MN 55440-0673
 15174107 +Us Department Of Education / Gllesi, 2401 International Lane, Madison, WI 53704-3121
 15174108 +Wells Fargo / Fmg, Po Box 14517, Des Moines, IA 50306-3517
 15174109 +Wells Fargo / Preferred, Po Box 14517, Des Moines, IA 50306-3517
 15201583 Wells Fargo Bank, N.A., PO Box 10438, MAC F8235-02F, Des Moines, IA 50306-0438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 cr

+E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 10 2020 03:58:06
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15174084 +E-mail/Text: backoffice@affirm.com Jul 10 2020 03:55:53 Affirm Inc, 650 California Street,
 Floor 12, San Francisco, CA 94108-2716
 15174090 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 10 2020 03:54:51 Comenity Bank / Eddie Baur,
 Po Box 182789, Columbus, OH 43218-2789
 15174091 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Jul 10 2020 03:54:51
 Comenity Capital Bank / Boscov, Po Box 182120, Columbus, OH 43218-2120
 15174092 +E-mail/Text: bdsupport@creditmanagementcompany.com Jul 10 2020 03:55:32
 Credit Management Company, 2121 Noblestown Road, Pittsburgh, PA 15205-3956
 15174094 +E-mail/Text: mrdiscen@discover.com Jul 10 2020 03:54:38 Discover Bank, Po Box 30954,
 Salt Lake City, UT 84130
 15174095 +E-mail/Text: mrdiscen@discover.com Jul 10 2020 03:54:38 Discover Financial Services LLC,
 PO Box 15316, Wilmington, DE 19850
 15174093 +E-mail/Text: electronicbkydocs@nelnet.net Jul 10 2020 03:55:19
 Department Of Education / Nelnets Loans, Po Box 82561, Lincoln, NE 68501-2561
 15175655 +E-mail/Text: mrdiscen@discover.com Jul 10 2020 03:54:38 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15176413 +E-mail/Text: dplbk@discover.com Jul 10 2020 03:55:33 Discover Personal Loans,
 PO Box 30954, Salt Lake City, UT 84130-0954
 15201668 +E-mail/Text: JCAP_BNC_Notices@jcap.com Jul 10 2020 03:55:24 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 15174099 +E-mail/PDF: ais.chase.ebn@americaninfosource.com Jul 10 2020 03:57:58
 JPMorgan Chase Bank Auto, PO Box 901003, Fort Worth, TX 76101
 15174100 +E-mail/Text: bncnotices@becket-lee.com Jul 10 2020 03:54:41 Kohls / Capital One,
 Po Box 3115, Milwaukee, WI 53201-3115
 15174102 +E-mail/Text: specialassets@northpointe.com Jul 10 2020 03:55:13 Northpointe Bank,
 3333 Deposit Drive Ne, Grand Rapids, MI 49546-1469
 15192224 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jul 10 2020 03:58:57
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 15174104 +E-mail/PDF: gecsedirecoverycorp.com Jul 10 2020 03:58:16 Synch / Google, Po Box 965022,
 Orlando, FL 32896-5022
 15174105 +E-mail/PDF: gecsedirecoverycorp.com Jul 10 2020 03:57:52 Synch / TJMaxx, Po Box 965015,
 Orlando, FL 32896-5015
 15174418 +E-mail/PDF: gecsedirecoverycorp.com Jul 10 2020 03:57:51 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 15207294 +E-mail/Text: bncmail@w-legal.com Jul 10 2020 03:55:23 TD Bank USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132

TOTAL: 19

District/off: 0315-1

User: vson
Form ID: 149

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Total Noticed: 41

Date Rcvd: Jul 09, 2020

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Nissan Motor Acceptance Corporation
cr Northpointe Bank
15195813* +Northpointe Bank, 3333 Deposit Drive NE, Grand Rapids, MI 49546-1469

TOTALS: 2, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 11, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 9, 2020 at the address(es) listed below:

Ann E. Swartz on behalf of Creditor Northpointe Bank ecfmail@mwc-law.com,
ecfmail@ecf.courtdrive.com
Daniel P. Foster on behalf of Debtor Shane Michael Hettish dan@mrdebtbuster.com,
katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
Daniel P. Foster on behalf of Joint Debtor Brittany Laurel Hettish dan@mrdebtbuster.com,
katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor Nissan Motor Acceptance Corporation
bkgroup@kmlawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

TOTAL: 6